

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
December 1, 2017

Name of Offender: Gary Rushwam

Case Number: 2:05CR00432

Name of Sentencing Judicial Officer: Honorable Kent J. Dawson

Date of Original Sentence: April 18, 2007

Original Offense: Felon in Possession of a Firearm, a Class A Felony

Original Sentence: 188 Months prison, followed by 60 Months TSR.

Date Supervision Commenced: October 20, 2015

Name of Assigned Judicial Officer: Honorable Kent J. Dawson

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

- * Community Service -You will complete 6 hours of community service weekly for a duration of one year, for a not-for-profit organization, at a location and/or as directed by the U.S. Probation office. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer monthly or as directed.

No Contact – You must not communicate, or otherwise interact, with people whom you know consume illicit substances or abuse alcohol, either directly or through someone else, without first obtaining the permission of the probation office

CAUSE

On November 28, 2017, Mr. Rushwam submitted a urine specimen for drug testing. The specimen tested positive for Methamphetamine and Oxycodone. Mr. Rushwam admitted associating with people on November 27, 2017, whom were smoking methamphetamine. Mr. Rushwam reported his positive drug test was due to passive methamphetamine smoke which he

RE: Gary Rushwam

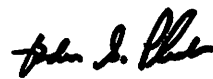
Prob12B
D/NV Form
Rev. June 2014

inhaled. This officer told Mr. Rushwam that I did not believe his "passive smoke" excuse. This officer advised that his positive drug test required Court notification and possible adverse actions could result. This officer encouraged Mr. Rushwam to provide a written stability (sobriety) plan, consisting of something he physically must do, that was measureable, to promote stability/sobriety.

On December 1, 2017, Mr. Rushwam submitted his plan for stability. He reported due to his medical problems limiting his ability for employment, that he needs to have his free time occupied. He also reported needing to avoid negative peer associations and pledged to maintain sobriety. He vented frustrations over various medical, financial and social stressors he has in life. A urine specimen was collected for drug testing and results were negative.

He believes volunteering for a not-for-profit organization will occupy his free time. This officer is supportive of Mr. Rushwam's stability plan as it will promote positive peer associations and self-worth. Should Mr. Rushwam fail to work his plan of stability, this officer will notify the Court for possible adverse action.

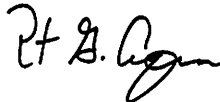
Respectfully submitted,



Brannndon S. Phillips
2017.12.04 08:06:25
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Scott Phillips
Senior United States Probation Officer

Approved:

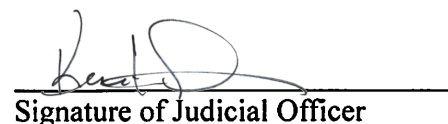


Robert G. Aquino
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Robert Aquino
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

12/20/2017
Date